

*Application Serial No. 10/808,538
Amendment dated April 28, 2006
Reply to Office Action mailed April 04, 2006*

REMARKS

Status of the Claims

Claims 3, 4, 9-16 and 18-21 are pending. Claims 3 and 4 have been amended. No claims have been canceled.

Amendment to the claims

Claims 3 and 4 have been amended to include the sequence identification numbers associated with the amino acid sequences listed in the claims.

Restriction

The Office Action imposed a 5-way restriction requirement as follows: Group I (claims 3, 4, 9-14, 20 and 21, drawn to a polynucleotide; classified in Class 536, subclass 23.1); Group II (claim 15, in part drawn to a method of stimulating an immune response comprising the humanized anti-idiotypic antibody, classified in Class 514, subclass 44); Groups III (claim 15 in part, drawn to a method of stimulating an immune response comprising the humanized antibody, classified in Class 514, subclass 44); Group IV (claims 16 and 18, drawn to a method of diagnosis or treatment of a patient, classified in Class 514, subclass 2) and Group V (claim 19, drawn to a vaccine comprising humanized anti-idiotypic [antibody], classified in Class 530, subclass 387.2.) Applicants respectfully point out that claim 15 was incorrectly identified to include "the humanized antibody;" claim 15 recites "comprising the humanized anti-idiotypic antibody or antibody fragment encoded by the nucleic acid of claim 21." Although Applicants traverse the requirement, a provisional election is made to the claims of Group I (claims 3, 4, 9-14, 20 and 21, drawn to a polynucleotide; classified in Class 536, subclass 23.1).

*Application Serial No. 10/808,538
Amendment dated April 28, 2006
Reply to Office Action mailed April 04, 2006*

Traversal of Restriction

Applicants respectfully traverse the restriction requirement. Applicants submit that the burden to the Office will not be increased if the restrictions were not made. A search of the prior art with respect to one of the groups will reveal whether prior art exists as to other groups. For example, a prior art search of Group III for humanized anti-idiotypic antibody fragment will reveal whether prior art exists for Group II humanized anti-idiotypic antibody.

In the alternative, Applicants request that the Examiner consider the following groups together: Groups II and III, because Groups II and III are classified in the same class, 514 and subclass 44. Therefore, the Examiner would not be seriously burdened if this restriction was not made. At a minimum, the claims as discussed above should be examined together.

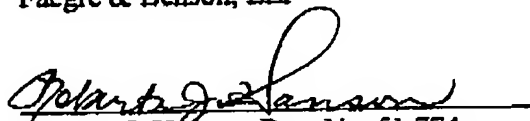
Applicants note that as stated in the Action on page 4 and 5, where Applicants elect claims directed to a product, and a product claim is subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined in accordance with the provisions of MPEP Section 821.04.

CONCLUSION

For the reasons stated above, Applicants assert that the restriction requirement is improper and request withdrawal of the restriction requirement.

Respectfully submitted,

Faegre & Benson, LLP


Roberta J. Hanson, Reg. No. 51,774
Patent Agent

Dated: April 28, 2006